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2 Including Professional Corporations

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12 TESLA, INC. dba TESLA MOTORS, INC.

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14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA**

16 **SAN FRANCISCO DIVISION**

17 DEMETRIC DI-AZ, OWEN DIAZ AND  
18 LAMAR PATTERSON

19 Plaintiffs,

20 v.

21 TESLA, INC. DBA TESLA MOTORS,  
INC., CITISTAFF SOLUTIONS, INC.;  
22 WEST VALLEY STAFFING GROUP;  
CHARTWELL STAFFING SERVICES,  
23 INC.; NEXTSOURCE, INC.; and  
DOES 1-10, inclusive

24 Defendants.

Case No. 17-cv-06748-WHO

**[PROPOSED] ORDER DENYING PLAINTIFF  
OWEN DIAZ'S MOTIONS *IN LIMINE***

Date: May 11, 2020

Time: 10:00 a.m.

Courtroom: 2, 17<sup>th</sup> Floor

Judge: Hon. William H. Orrick

Trial Date: June 8, 2020

Complaint Filed: October 16, 2017

**PROPOSED ORDER**

On May 11, 2020 at 10:00 a.m., Plaintiff Owen Diaz's Motions *In Limine* came on for telephonic hearing, the Honorable William H. Orrick presiding. All parties were represented by counsel.

After consideration of the papers and evidence submitted, and of the oral and written submissions by the respective parties, the Court finds that Tesla is entitled to an order denying Plaintiff's Motions *In Limine* Nos. 1, 2, 3, 4, 5 and 6 as follows:

1. Plaintiff's Motion *In Limine* No. 1 is denied. To the extent that any witnesses testify regarding the use of the n-word or other racial terms or phrases, Tesla is entitled to put on evidence regarding the context of usage, including any witnesses' lay opinion that the usage was not offensive;
2. Plaintiff's Motion *In Limine* No. 2 is denied. Tesla may call Ramon Martinez as a witness and he may testify;
3. Plaintiff's Motion *In Limine* No. 3 is denied. Ramon Martinez's handwritten statement was provided as part of an investigation, and is admissible along with the rest of the investigative file;
4. Plaintiff's Motion *In Limine* No. 4 is denied. Testimony and evidence regarding the workplace relationship between Plaintiff and Rothaj Foster is relevant and admissible;
5. Plaintiff's Motion *In Limine* No. 5 is denied. Testimony and evidence regarding Plaintiff's work performance and workplace environment is relevant and admissible; and

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1           6.       Plaintiff's Motion *In Limine* No. 6 is denied. Testimony and evidence regarding  
2                    Demetric Di-az's Criminal Charges and convictions is relevant to Plaintiff Owen  
3                    Diaz's claims, and is also admissible pursuant to Federal Rule of Evidence 609.  
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5           **IT IS SO ORDERED.**  
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7 DATED: \_\_\_\_\_

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8                   The Hon. William H. Orrick  
9                   U.S. District Court, Northern District of California  
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